IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 2005 OF 2005

Smt. Shanti Bhanu Jena & Anr. ... Petitioners

Vs.

State of Maharashtra ... Respondent

Mr. Prakash Naik for petitioners.

Shri S.V.More, APP, for the Statel

CORAM: S.K.SHAH,J.

DATE : 19th December, 2006.

P.C.

1. By this Writ Petition, the petitioner is praying for transferring the Case pending before the Metropolitan Magistrate to the Sessions Court on the contention that it arises out of the same incident. However, on persjual of the FIR shows that the said incident occurred on 29.11.2003 and the offences alleged were under Sections 3, 4, 5 and 6 read with Section 15(4) of the Prevention of Illicity Trafficking Act ("PITA"). The accused involved in the Magistrate's Court are five accused named as (1) Shanti Bhanu Jena, (2) Parvati Ramrao Reddy, (3) Kajol Tarkhpal Pal, (4) Natesh Naga Gauda and (5)Satish Manja Gauda. As per this FIR, these persons were found running the brothel at a given place. The FIR that is filed in the Sessions

Court however indicates that during raid, Kanti Bovi was kidnapped somewhere in the month of June 2003 from her parents' house. The offences alleged in the FIR are punishable under Sections 353, 366A, 372, 373 read with Section 34 of I.P.C. and Sections 3, 4, 5 and 6 read with 15(4) of PITA Act.

2. Apparently, the cases cannot be said to be arising out of the same incident. Under the circumstances, I do not find merit in the Writ Petition.

The Writ Petition is dismissed.

(S.K.SHAH,J.)